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PATENT APPLICATION
Attorney Docket No. 103419-0003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Epley, John M.

Serial No. 10/715,871

Examiner: Hoekstra, Jeffrey Gerben

Confirmation No. 5600

Filed: November 17, 2003

Group Art Unit: 3736

For: HEAD-STABILIZED MEDICAL APPARATUS, SYSTEM AND
METHODOLOGY

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.78 TO ACCEPT AN UNINTENTIONALLY
DELAYED CLAIM FOR THE BENEFIT OF PRIORITY OF A PRIOR-FILED
NON-PROVISIONAL APPLICATION

Dear Sir:

The undersigned representative for the applicant hereby petitions the Office under 37 C.F.R. § 1.78 to amend the specification of the above identified application to include an unintentionally omitted claim under 35 U.S.C. § 120 for the benefit of priority of a prior-filed NON-provisional application.

This petition relates back the Preliminary Amendment to the Specification previously submitted on November 6, 2004, which amendment included the required reference to the prior-filed non-provisional application, serial number 10/188,564, now issued as U.S. patent number 6,800,062, as required by 35 U.S.C. 120 and 37 C.F.R. § 1.78(a)(2). Submitted herewith is the fee required under 37 C.F.R. § 1.17(t).

Applicant believes the above identified application is entitled to the benefit of priority to the indicated provisional application as specified under 37 C.F.R. § 1.78, and in all other respects. 37 C.F.R. § 1.78 states that:

A petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) The reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior-filed application, *unless previously submitted*, (italics provided).

Applicant previously submitted the reference to application 10/188,564 required by 35 U.S.C. 120 and paragraph (a)(2) of this section, as shown in the attached Exhibit A.

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Applicant notes that the previously submitted amendment included an improper post-filing incorporation by reference. Therefore a corrected amendment is submitted herewith to remove the improper incorporation by reference.

The undersigned further states that the entire delay between the date the claim was due under paragraph 37 CFR § 1.78(a)(5) (March 17, 2004) and the date the claim was originally filed (November 6, 2004), was unintentional. Therefore, applicant respectfully requests that the Office accept the unintentionally delayed 35 U.S.C. § 120 claim for the benefit of priority to the indicated prior-filed non-provisional application.

Date: June 2, 2010

/Patrick D. Boyd/
Patrick D. Boyd
Applicant's Representative
Reg. No. 54,671

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